

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 31 2006

at 4 o'clock and 5 min P.M.
SUE BEITIA, CLERK

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Attorneys for Plaintiff Aloha Sports Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii
corporation,

Plaintiff,

vs.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, an
unincorporated association,

Defendant.

CIVIL NO. CV04-00204 DAE/KSC
(Antitrust)

NOTICE OF MOTION OF PLAINTIFF
ALOHA SPORTS INC. FOR
SEPARATE TRIAL UNDER FRCP
42(b) OR, IN THE ALTERNATIVE, TO
EXTEND SCHEDULING; MOTION OF
PLAINTIFF ALOHA SPORTS INC.
FOR SEPARATE TRIAL UNDER FRCP
42(b) OR, IN THE ALTERNATIVE, TO
EXTEND SCHEDULING;

MEMORANDUM OF POINTS AND
AUTHORITIES; CERTIFICATE OF
SERVICE

Date: Thursday, May 18, 2006

Time: 9:30 a.m.

Judge: Honorable Kevin S.C. Chang

Trial Date: October 3, 2006

NOTICE OF MOTION OF PLAINTIFF ALOHA SPORTS INC.
FOR SEPARATE TRIAL UNDER FRCP 42(b) OR,
IN THE ALTERNATIVE, TO EXTEND SCHEDULING

TO: WILLIAM C. McCORRISTON, ESQ.
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and

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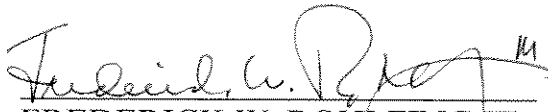
Attorneys for Defendant
THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

NOTICE IS HEREBY GIVEN that Plaintiffs ALOHA SPORTS INC.'S
Motion for Separate Trial Under FRCP 42(b) or, in the Alternative, to Extend

Scheduling shall come on for hearing before the Honorable Kevin S.C. Chang, Judge of the above-entitled Court, in his courtroom in the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, on Thursday, May 18, 2006 at 9:30 a.m., or as soon thereafter as counsel may be heard.

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CIVIL NO. CV04-00204 DAE/KSC
(Antitrust)

MOTION OF PLAINTIFF ALOHA
SPORTS INC. FOR SEPARATE TRIAL
UNDER FRCP 42(b) OR, IN THE
ALTERNATIVE, TO EXTEND
SCHEDULING

MOTION OF PLAINTIFF ALOHA SPORTS INC. FOR
SEPARATE TRIAL UNDER FRCP 42(b) OR,
IN THE ALTERNATIVE, TO EXTEND SCHEDULING

Plaintiff Aloha Sports Inc. hereby moves to bifurcate the trial herein pursuant to Federal Rule of Civil Procedure 42(b). Alternatively, Plaintiff requests that the existing schedule be vacated and extended to accommodate discovery for a consolidated trial.

The grounds for this motion are that bifurcation and prioritization of the tort claim (intentional interference) and the contract claim involving the Seattle Bowl game would simplify the case and substantially reduce the costs of litigation and

may allow the parties to resolve the case in its entirety without litigating the more costly, protracted antitrust claim.

This Motion is based on the accompanying Memorandum of Points and Authorities, on all the pleadings and papers on file in this action, and on such further matters and argument as Plaintiff may later present in connection with this Motion.

This Motion is made following the written meet and confer communications of counsel which Plaintiff initiated on March 9, 2006 and to which Defendant responded on March 22, 2006.

Dated: Honolulu, Hawaii; March 31, 2006

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Aloha Sports Inc.